

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Sean Kelsey, et al.,

Case No. 3:17-cv-122

Plaintiffs,

v.

ORDER

Leszek Grabinski, et al.,

Defendants.

Under the Federal Rules of Civil Procedure, “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). *See also Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (“Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.”); *Akno 1010 Mkt. St. Saint Louis Mo. LLC v. Pourtaghi*, 43 F.4th 624, 627 (6th Cir. 2022) (“[W]hen we lack subject-matter jurisdiction, we must dismiss the case regardless of the time or resources spent on it.”).

In this case, I now find this court lacks subject matter jurisdiction. There is no dispute that this case does not present a federal question. Further, the parties also agree that complete diversity does not exist because Plaintiffs Sean Kelsey, Frances Kelsey, Mary Kelsey, Margaret Kelsey, Thomas Kelsey, and Beatrice Kelsey are all citizens of Indiana, as are Defendants Damiron Transportation Services, Inc. and Mitchell R. Larson. (Doc. No. 74 at 2; Doc. No. 104-1 at 2; Doc. No. 108). Therefore, because this court has neither federal question nor diversity jurisdiction, I dismiss this case for lack of subject matter jurisdiction.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge